S.B.CIVIL WRIT PETITION No.668/99
HARSH VIJAY SINGH V/s THE STATE OF RAJ. & Ors

8.1.2007

HON'BLE MR. JUSTICE MOHAMMAD RAFIQ

Shri V.P. Mathur for the petitioner.
Shri B.S. Chhaba, Dy. G.A.

Heard learned counsel for the parties.

This writ petition as been filed by the petitioner way back on 21.1.1999 with the prayer that the respondent No.4 be directed to counter sign the permit No. (R.S.5.9) 1357 dated 15.1.99 for the route Kotputli to Dadri via Gopalpura, Raipur, Narnaul, Mahendergarh existing inter state route and further be directed to permit the petitioner to ply the bus on the basis of permit held by him.

The respondents No. 3 and 4 who are contesting respondents in their reply to the writ petition have clarified that the petitioner filed an application dated

28.10.97 along with the letter of recommendation dated 8.9.97 issued by Secretary, Regional Transport Authority, Jaipur and photo copies of the permit No. 114 of 1997 valid upto 4.9.2002. According to them, as per the inter-state agreement arrived between State of Rajasthan and State of Haryana on 9.7.97 and notified in the official gazette on 15.7.97, a scope of 12 single trips against 8 permits have been provided at S.No.36 of the Annex.2. Applications filed by the other applicants have been counter signed by the answering respondents on first come first serve basis. The permit issued to the petitioner was beyond the limit of reciprocal agreement. In view of the policy, 6 permits holders who had submitted their documents along with the application had already been granted counter signatures on the route of Kotputli to Dadri via Gopalpura, Raipur, Narnaul, Mahendergarh

etc. Only 2 permit holders have been further granted counter signatures on 24.7.97, because in this manner only two vacancies existed as per the scope of inter sate agreement and all 8 permits have already been counter signed. Reference has been made to judgment of this court in Zamidara Motor Co-operative Society v/s R.T.A. Bikaner and State of Haryana etc. in S.B. Civil Writ Petition No.3313/98, that the authorities not required to consider any application and/or counter signature over and above the ceiling fixed by the inter-state agreement.

Reference has also been made to a similar judgment passed by the Panjab & Haryana High Court in the case of Rajendra Prasad v/s State of Haryana and others in which also it was held as under :

> “The norms of reciprocity are to be worked out by the State Governments by keeping in view

> their own interests. As per the earlier agreement, only one permit was supposed to be countersigned by the State of Haryana which has already been counter-signed. If the State Transport Authority of Bikaner had issued any permit in excess of the fixed norms or agreement executed between the States Haryana and Rajasthan, the former State is not duty bound to counter sign such permit. The State of Haryana has to see is own interest before granting permission to ply a bus in its own State. There could be several valid considerations on the part of the State of Haryana whether such like permit issued by the authority of Bikaner would in any way prejudice the interest of Haryana or not and whether it would infringe the monopolistic rights of the State of Haryana with respect to the various routes within the State."

In the light of the settled proposition of law as aforesaid, when the respondents have granted counter signatures upto eight permit-holders upto 24.7.97 on first come first serve basis. In view of the limitation prescribed in the reciprocal

agreement, they can not be required to exceed such limit by giving counter signatures in excess of the permit limits prescribed in the reciprocal agreement. Even otherwise, the writ petition has been filed in the year 1999 and a long period of 7 years has gone by since then.

There being no substance in the writ petition, the same is dismissed with no orders as to costs.

(MOHAMMAD RAFIQ),J.

CHUAHAN/